

EXHIBIT “A”

IN THE CIRCUIT COURT OF THE
11th JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

Massimiliano Ayokoue,

CASE NO.: 22-6240 CA 01

Plaintiffs,

Fla. Bar No: 874700

vs.

Cesar Hernandez,
Sunshine City Carrier Corporation,
David Kirk Ober,
Next Chapter 2014 LLC,

Defendants.

AMENDED COMPLAINT

Massimiliano Ayokoue, (hereinafter referred to as "Plaintiff") sues the Defendants, Cesar Hernandez (hereinafter referred to as "Defendant Hernandez") Defendant Sunshine City Carrier Corporation (hereinafter Referred to as "Defendant Sunshine City"); David Kirk Ober (hereinafter referred to as "Defendant Ober"); and Defendant Next Chapter 2014 LLC (hereinafter referred to as

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"Defendant Next Chapter") and as grounds thereof alleges the following:

1. This is an action for damages that exceeds Thirty Thousand Dollars (\$30,000.00).
2. At all times material hereto, Plaintiff was a resident of Miami-Dade County, Florida.
3. At all times material hereto, Defendant Sunshine City was a was a Florida Corporation doing business in Miami-Dade County, Florida.
4. At all times material hereto, Defendant Hernandez was a resident of Miami-Dade County, Florida and held a Florida driver's license that allowed him to drive throughout the State of Florida including Miami-Dade County.
5. At all times material hereto, Defendant Next Chapter was a New Hampshire Corporation doing business in Miami-Dade County, Florida.
6. At all times material hereto, Defendant Ober was a resident of Palm Beach County, Florida and held a Florida driver's license that allowed him to drive

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throughout the State of Florida including Miami-Dade County.

7. On or about September 16, 2020 the following were headed southbound on US I-95 approaching the US Interstate 395 Eastbound ramp in Miami-Dade County, Florida:

- a. Plaintiff who owned and operated a 2008 Audi A2;
- b. Defendant Jose Fernandez who operated a 2004 Freightliner Columbia tractor-trailer owned and maintained by Defendant Sunshine City;
- c. Defendant Ober who operated a 2013 Chevrolet Suburban owned and maintained by Defendant Next Chapter.

8. Immediately before the accident subject to this case, Defendant Jose Fernandez' Freightliner was traveling too close to Plaintiff's Audi and Defendant Jose Fernandez' Freightliner otherwise was operating his vehicle in an unsafe and negligent fashion.

9. Immediately before the accident subject to this case, Defendant Ober's Chevrolet Suburban negligently and

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unexpectedly came to a full stop thereby creating a dangerous hazard and blocking traffic.

10. Defendant Ober's Chevrolet Suburban stopped vehicle caused Plaintiff's Audi and Defendant Jose Fernandez' Freightliner to negotiate going around the stopped Chevrolet Suburban at a high rate of speed.

11. Plaintiff's Audi successfully took evasive action and thereby avoided hitting Defendant Ober's Chevrolet Suburban.

12. Because Jose Fernandez' Freightliner was traveling too close to Plaintiff's Audi and in an otherwise unsafe manner, Jose Fernandez' Freightliner negligently crashed into the rear of Plaintiff's Audi.

13. At all times hereto, all Defendants operated and maintained their motor vehicles in a negligent fashion thereby causing the instant case automobile crash.

14. As a result, Plaintiff suffered bodily injury and/or an aggravation of a pre-existing injury, disease or physical defect which resulted in him suffering from pain and suffering, disability,

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disfigurement, mental anguish, loss of capacity of the enjoyment of life, expenses of hospitalization and medical and nursing care, loss of earnings and earnings capacity. These losses are either permanent or continuing and Plaintiff will suffer the losses in the future.. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future. Plaintiff's automobile was damaged/totalled and he lost the use of it during the period required for its repair or replacement and as a result thereof, Plaintiff suffered damages.

WHEREFORE, Plaintiff demands judgment for damages against Defendants. Plaintiff additionally seeks interest, attorney fees and costs pursuant to contract, Florida Statutes and Florida case law.

NOTICE OF DESIGNATION OF EMAIL

Plaintiff's designated primary E-Service address is:
GADESERVICE@GMAIL.COM & HWGILBERTLAW@GMAIL.COM; All papers

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in this case are to be served at the said E-Service address.

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500 S. Dixie Highway
Suite 220
Coral Gables, FL 33146
(305) 569-9980 - phone
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/s/George A. David
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Harris W. Gilbert, Esq.